

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIE BEAUZILE, INDIVIDUALLY AND ON
BEHALF OF AN INFANT, DAEQUAN DONELY,
ANTWANETTE BENITEZ, ANTHONY BENITEZ,
AND TANGERLOT BENITEZ, INDIVIDUALLY
AND ON BEHALF OF AN INFANT, VERONICA
BENITEZ,

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

07 CV 01050 (BMC)(MDG)

Plaintiffs,

-against-

THE CITY OF NEW YORK, SGT. JOHN ZEGILLA,
SHIELD #02254, LT. MICHAEL RUANE, DENISE
STRINGER, SHIELD #06357, AND BRYAN
ZUCCARO, SHIELD #22037, EACH BEING SUED
INDIVIDUALLY AND IN THEIR OFFICIAL
CAPACITY,

Defendants.

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WHEREAS, plaintiffs commenced this action by filing a complaint on or about March 12, 2007, alleging that defendants violated plaintiffs Marie Beauzile, Daequan Donely, Antwanette Benitez, Anthony Benitez, Tangerlot Benitez, and Veronica Benitez's federal civil rights and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability; and

Aug 22, 2007

WHEREAS, the Court has endorsed the Infant Compromise Order on ~~July~~ _____; and

WHEREAS, plaintiffs have authorized their counsel to settle this matter on the terms set forth below; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Marie Beauzile the sum of *Seven Thousand Five Hundred Dollars (\$7,500.00)*; plaintiff Antwanette Benitez the sum of *Seven Thousand Five Hundred Dollars (\$7,500.00)*; plaintiff Anthony Benitez the sum of *Seven Thousand Five Hundred Dollars (\$7,500.00)*; plaintiff Tangerlot Benitez the sum of *Seven Thousand Five Hundred Dollars (\$7,500.00)*; plaintiff Daequan Donely, through his mother and natural guardian, Marie Beauzile, the sum of *Seven Thousand Five Hundred Dollars (\$7,500.00)*; plaintiff Veronica Benitez, through her mother and natural guardian, Tangerlot Benitez, the sum of *Seven Thousand Five Hundred Dollars (\$7,500.00)*, in full satisfaction of all claims, including claims for costs, fees and expenses. In consideration for the payments of these respective sums, plaintiffs Marie Beauzile, Daequan Donely, Antwanette Benitez, Anthony Benitez, Tangerlot Benitez, and Veronica Benitez agree to dismissal with prejudice of all claims against the individual defendants, and to release all defendants, and any present or former employees or agents of the City of New York, and the City of New York and the New York City Police Department, from any and all liability, claims, or rights of action under state or federal law that have or could have been alleged by plaintiffs in this action arising from the events alleged in the complaint in this action, including claims for costs, expenses or attorneys' fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and Affidavits of No Liens, and any and all documents necessary to comply with paragraph "4" below.

4. With respect to the infant plaintiffs, Daequan Donely and Veronica Benitez, settlement of this action is conditioned upon compliance with the provisions set forth in Rule 83.2(a) of the Local Civil Rules of this Court and Rule 1207 et seq. of the CPLR for the State of New York.

5. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

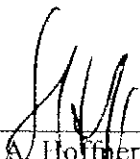
7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
July 30, 2007

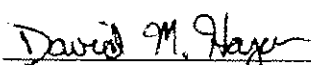
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By:


David M. Hazan (DH-8611)
Assistant Corporation Counsel

SO ORDERED: 8/22/07

s/Brian M. Cogan

The Honorable Brian M. Cogan
U.S.D.J.